

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

Date:30-1-1996.

SPECIAL CIVIL APPLICATION NO.1877 OF 1986.

For Approval and Signature

`THE HON'BLE MR. JUSTICE N.N. MATHUR.

1. Whether Reporters of Local Papers may be allowed to see the judgment ? No.
2. To be referred to the Reporter or not ? No.
3. Whether their Lordships wish to see the fair copy of judgment? No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge? No.

Mr. P.S. Champaneri, Advocate, for the petitioners.

Mr. Dipak, M. Shah, for the respondent.

CORAM:N. N. MATHUR, J.

Date:-30-1-1996

ORAL JUDGMENT:

This Special Civil Application has been filed seeking direction restraining the respondent no.1 Thangadh Nagar Panchayat from evicting the petitioners and/or demolishing the huts of the petitioners from the land bearing Survey No.528 situated in the limits of Thangadh Nagar Panchayat.

2. The say of the petitioners is that the Thangadh Nagar Panchayat (hereinafter referred to as "The Panchayat") had filed the civil suit in the Court of Civil Judge(J.D.), Chotila, for declaration and permanent injunction to the effect that the land bearing Survey No.529 and 528 situated in the limits of Thangadh Nagar

Panchayat belong to them and therefore hutments/dwellers have no right to stay over the subject land. The petitioners filed the written statement stating that the subject land is a government land and as such does not belong to Thangadh Nagar Panchayat. It is the further say of the petitioners that the petitioners are the tribal and as such it is an obligation of the Thangadh Nagar Panchayat to provide them alternative accommodation. During the course of the proceedings in the said suit the Panachayat agreed to provide alternative accommodation to the petitioners. It is also the further say of the petitioners that after dropping the proceedings another Execution Application No.11 of 1985 was filed in the Court of Civil Judge(J.D.), Chotila. The petitioners have filed their objections. The learned Civil Judge(J.D.), Chotila, passed the order of eviction below exh.36.

3. No one appears either for the petitioners or for the respondents.

4. I have gone through the writ petition. There is nothing to show as to how the petitioners are entitled to the alternative land. Maximum case of the petitioners is that it is a government land. Even if it is a government land, the petitioners have no right to continue thereon. I find no merit in this Special Civil Application

5. In view of the aforesaid, this Special Civil Application is dismissed. Rule is discharged. Interim relief stands vacated. However, it is observed that if the petitioners make any representation to the respondents, the same shall be considered in right perspective by the Panchayat.

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